

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONALD E. LAMERE,

Plaintiff,

-against-

9:05-CV-1125
(LEK/DRH)

COUNTY OF ONONDAGA, *et al.*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on July 13, 2006, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 14).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.¹

¹ Judge Homer recommends dismissal of this case due to Plaintiff's failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Judge Homer also notes Plaintiff's failure to provide an updated and current address, in violation of Northern District Local Rule 10.1(b). Although Judge Homer does not specifically use the violations of Rules 10.1(b) and 41.2(b) as direct support for his recommendation that this case be dismissed, violation of those Rules may also serve as grounds for dismissal. See Tylicki v. Ryan, No. 1:06-CV-0221 (LEK/RFT), 2006 WL 2355864 (N.D.N.Y. Aug. 11, 2006) (Kahn, D.J.).

Accordingly, it is hereby

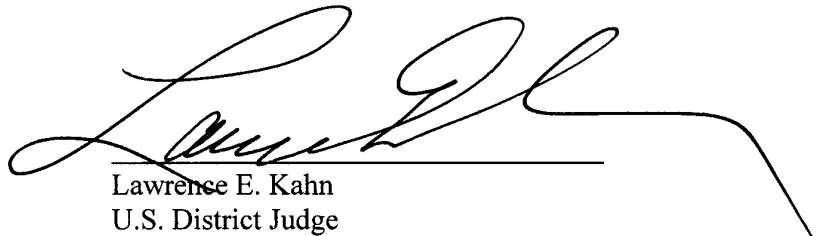
ORDERED, that the Report-Recommendation (Dkt. No. 14) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**, and this case is **CLOSED**, due to Plaintiff's lack of prosecution, pursuant to Federal Rule of Civil Procedure 41(b), and failure of Plaintiff to provide an updated and current address, pursuant to Northern District Local Rules 10.1(b) and 41.2(b); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 26, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge